

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

AJAY KRISHNAMURTHY (CABN 305533)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
Ajay.krishnamurthy@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 18-CR-587 JST
)	
Plaintiff,)	DETENTION ORDER
)	
v.)	
)	
HEZEKIAH HOWARD,)	
)	
Defendant.)	

On January 18, 2023, United States Probation for the Northern District of California submitted an Amended Petition for Warrant for Person Under Supervision that alleged that supervised releasee Hezekiah Howard committed five violations of the conditions of his supervised release:

- (1) Howard committed another federal, state, or local crime on July 30, 2022;
- (2) Howard participated in gang activity on July 30, 2022;
- (3) Howard committed another federal, state, or local crime on January 12, 2023;
- (4) Howard owned or possessed firearms, ammunition, destructive devices, or other dangerous devices on January 12, 2023; and
- (5) Howard unlawfully possessed controlled substances on January 12, 2023.

1 This matter came before the Court on January 24, 2023 for a detention hearing. The defendant
2 was present and represented by Harris Taback. Assistant United States Attorney Ajay Krishnamurthy
3 appeared for the government. The government moved for detention, and the defendant opposed. At the
4 hearing, counsel submitted proffers and arguments regarding detention.

5 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
6 the record, the Court finds that, pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 USC §
7 3143(a)(1), Howard has not met his burden of establishing by clear and convincing evidence that
8 Howard would not flee or pose a danger to any other person or the community. Accordingly, the
9 defendant must be detained pending resolution of these revocation proceedings.

10 The present order supplements the Court's findings and order at the detention hearing and serves
11 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
12 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its
13 conclusion: Howard's alleged conduct on January 12, 2023—specifically, his possession of multiple
14 firearms, large amounts of ammunition, and firearm accessories (and his post-arrest admission to law
15 enforcement officers to possessing those firearms)—is similar to his offenses of conviction, which
16 indicated that Howard had not complied with the prior conditions of his supervised release; Howard was
17 also alleged to have possessed a large amount of marijuana and United States currency; and, as
18 described in the Amended Petition, Howard was the subject of a pending attempted homicide
19 investigation, which still may result in California state charges. In light of the facts described in the
20 Amended Petition, Howard's proposed release plan was not sufficient mitigate the risk of danger to the
21 community. This finding is made without prejudice to the defendant's right to seek review of
22 defendant's detention, or file a motion for reconsideration if circumstances warrant it.

23 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

24 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
25 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
26 sentences or being held in custody pending appeal;

27 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
28 and

1 3. On order of a court of the United States or on request of an attorney for the government,
2 the person in charge of the corrections facility in which the defendant is confined shall deliver the
3 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
4 court proceeding.

5 IT IS SO ORDERED.

6
7 DATED: January 30, 2023


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge